

U.S. PTO Customer No. 25280

Case No.: 5235

CLAIMS SUMMARY

Claims 1 and 25-28 have been amended and claim 2 has been cancelled without prejudice or disclaimer. Thus, claims 1, 3, and 23-28 are currently pending in the application.

REMARKS

The Office Action dated April 30, 2003, included the following rejections, objections, and comments:

1. Claims 1, 27, and 28 were rejected under 35 U.S.C 102(a) as being anticipated by Mishima (US 6,183,851).
2. Claims 2, 3, and 23-26 were rejected under 35 U.S.C 103(a) as being unpatentable over Mishima (US 6,183,851), as applied to claims 1, 27, and 28, in view of Kawasaki et al. (US 6,338,891).

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Rejection of Claims 1, 27, and 28 as Being Anticipated by Mishima.

As acknowledged by the Office Action, Mishima does not teach or disclose the use of a fluorochemical as a repellant finish chemistry. Claims 1, 27, and 28 now include the recitation that the repellant finish chemical comprises a repellant fluorochemical. Based on these claim amendments, Applicants believe that the 102 rejection should be withdrawn.

2. Rejection of Claims 2, 3, and 23-26 as Being Unpatentable over Mishima in View of Kawasaki et al.

The Office Action states that Kawasaki teaches an ink jet recording sheet with an ink receiving layer comprising repellants such as fluorocarbon resin, silicone resin, and alkyl ketene dimmer. The Office Action takes Official Notice of the equivalence of fluorocarbon resin and silicone oil in ink receiving art and states that selection of any of these known equivalents to make an ink jet receiving layer would be within the level of

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ordinary skill in the art. Mishima discloses silicone oils as a high boiling organic solvent (Col 16, lines 1-14) for use as a plasticizer, lubricant, or anticurling agent. Katsuhiko et al. disclose fluorocarbon resin type materials as a water repellant and sizing agent. The Applicants respectfully disagree that fluorocarbon resin and silicone oil are equivalent in their use in the inkjet recording art.

Further, Applicants believe that Mishima and Katsuhiko et al. were improperly combined for a prima facie obviousness rejection. MPEP2143.01 states that, "In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). Mishima discloses silicone oils as a high boiling organic solvent for use as a plasticizer, lubricant, or anticurling agent. One skilled in the art would not be motivated to try the fluorocarbon resin type or silicone resin type water repellant and sizing agent of Katsuhiko et al. in place of the high boiling organic solvent silicone oil of Mishima. Furthermore, silicone oil and silicone resin are not equivalent chemicals. Applicants respectfully argue that the requirements prima facie case of obviousness has not been met.

Claim 25 has been amended to include the recitation that the repellant finish chemical comprises a repellent finish polymer. Mishima does not disclose the use of a repellent finish polymer and Applicants believe that one would not look to use the fluorocarbon resin of Katsuhiko in the inkjet receiving layer of Mishima for the reasons stated above.

Claim 26 has been amended to include the recitation that the cationic material comprises a water soluble metal salt of cations selected from the group of the periodic table consisting of: Group II, Group III, and the Transition Metals. Mishima discloses salts of alkaline earth metals as an example of a solid particulate matting agent (Col 13, lines 27-35). These matting agents are dispersible in a hydrophilic organic colloidal binder, but are not soluble in water (if the particles were soluble in water then they would no longer function as a matting agent). Neither Mishima, nor Katsuhiko, together or taken separately, disclose the use of a cationic material comprising a water soluble

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metal salt of cations selected from the group of the periodic table consisting of: Group II, Group III, and the Transition Metals.

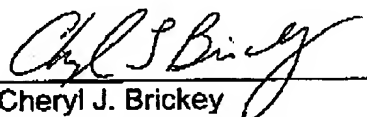
CONCLUSION

In view of the forgoing amendments and remarks, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance. Should the Examiner find that any issues remain outstanding following consideration of this Response, he/she is invited to telephone the undersigned in the interest of resolving such matters in an expedient manner.

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Respectfully submitted,

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